

NOV 12 2015

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

ADIB EDDIE RAMEZ MAKDESSI, )  
v. Plaintiff, ) Case No. 7:15CV00130  
HAROLD CLARKE, ET AL., )  
Defendant(s). ) MEMORANDUM OPINION  
 )  
 ) By: Glen E. Conrad  
 ) Chief United States District Judge  
 )

Plaintiff Adib Eddie Ramez Makdessi has filed a pleading that he titles: "IMMINENT DANGER FEAR FOR MY LIFE AND SAFETY AND CONTINUED CRUEL PUNISHMENT." In the pleading, Makdessi asserts that he has been held in solitary confinement for more than 95 days because he has enemies in the protective custody unit at Red Onion State Prison. Makdessi alleges that he "is starting to feel insane in this solitary" and that he has lost more than 40 pounds in the last seven months at Red Onion. Finally, he alleges that he is unable to obtain informal complaints and his grievances have been destroyed. He contends that he will remain in solitary absent a court order directing prison officials to assign him to a single cell in the protective custody unit at Red Onion or to transfer him to a protective custody unit at another prison. Makdessi does not identify specific officers whose actions are working these hardships on him.

The court construes Makdessi's submission as a motion seeking interlocutory injunctive relief. "[A] preliminary injunction may never issue to prevent an injury or harm which not even the moving party contends was caused by the wrong claimed in the underlying action." Omega World Travel v. TWA, 111 F.3d 14, 16 (4th Cir. 1997); In re Microsoft Antitrust Litig., 333 F.3d

517, 526 (4th Cir. 2003). In his current motion, Makdessi does not allege that the potential harm he seeks to prevent through an interlocutory injunction (lengthy solitary confinement) arises from the past acts of retaliation he has claimed against officials named as defendants in this lawsuit.<sup>1</sup> Rather, he is alleging separate claims, concerning events that occurred months after the occurrences at issue in this lawsuit. Therefore, Makdessi's motion for interlocutory relief must be denied in this pending case, but the court will direct the clerk to file the motion as a new and separate civil action. An appropriate order will issue this day.

The Clerk is directed to send a copy of this order to the plaintiff and to counsel of record for the defendants.

ENTER: This 12<sup>th</sup> day of November, 2015.

*Jean Conrad*

Chief United States District Judge

---

<sup>1</sup> The magistrate judge recently conducted an evidentiary hearing on Makdessi's claims of retaliation and his pending motions for interlocutory injunctive relief on that issue, and a report and recommendation regarding disposition of those claims will be forthcoming.